

## EXHIBIT G

Robert Gibbs  
Robert Pauw  
Gibbs Houston Pauw  
1000 Second Ave., Suite 1600  
Seattle, WA 98104  
Telephone: (206) 682-1080  
Facsimile: (206) 689-2270  
[rgibbs@ghp-law.net](mailto:rgibbs@ghp-law.net)

Gregory S. Siskind  
Siskind Susser, PC  
1028 Oakhaven Road  
Memphis, TN 38119  
Telephone: (901) 682-6455  
Facsimile: (901) 339-9604  
[GSiskind@visalaw.com](mailto:GSiskind@visalaw.com)

R. Andrew Free  
Bank of America Plaza  
414 Union Street, Suite 900  
Nashville, TN 37219  
Telephone: (615) 244-2202  
Facsimile: (615) 244-4345  
[Andrew@ImmigrantCivilRights.com](mailto:Andrew@ImmigrantCivilRights.com)

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Chintan MEHTA, *et al.*, on behalf of )  
themselves and a class of all )  
individuals similarly situated, )  
*Plaintiffs,* )  
v. )  
U.S. DEPARTMENT OF STATE, *et al.*, )  
*Defendants.* )

Case No.: 15-1543

**Declaration of Charles H.  
Kuck**

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**DECLARATION OF CHARLES H. KUCK**

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I, Charles H. Kuck, being an adult of sound mind and body, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. My name is Charles H. Kuck. I am an attorney licensed in the State of Georgia. I have been practicing immigration law for more than 25 years. I am the Managing Partner of Kuck Immigration Partners. I am a former national president of the American Immigration Lawyers Association (AILA), and the immediate past president of the Alliance of Business Immigration Lawyers (ABIL). I have extensive experience in meetings, both public and private with the Department of State's Visa Office. I am personally familiar with, and knowledgeable of, the method by which the Department of State allocates visa numbers.

2. The Visa Bulletin is a monthly publication issued by the U.S. Department of State's Visa Office. The Visa Bulletin is prepared and written by Mr. Charlie Oppenheim, Chief, Visa Control and Reporting who has had this position with the Visa Office of DOS for over two decades. A team of experts work with Mr. Oppenheim and are tasked, by statute, under 8 USC § 1153, with calculating, on behalf of the Department of State, the "priority dates" which are then eligible to complete their processing for permanent residence within the US at USCIS and at

1 US Consulates abroad. As part of his responsibilities he is also tasked with  
2 ensuring that all available visa numbers are used each fiscal year, and that they  
3 are fairly distributed throughout each fiscal quarter.

4  
5 3. Each month, Mr. Oppenheim receives from U.S. consulates throughout the  
6 world, the National Visa Center, and United States Citizenship and Immigration  
7 Services (“USCIS”) an anticipated “demand” for immigrant visa numbers for that  
8 month. Mr. Oppenheim then, using the formulas dictated by statute and  
9 regulation, calculates the “priority date” that is then eligible to be approved for a  
10 grant of permanent residence under 8 INA 1255.

11  
12 4. Mr. Oppenheim does not work for the USCIS. He does not control whether  
13 the USCIS actually uses the available visa numbers that the agency has said it will  
14 need. It is also quite common for USCIS to not actually use all of the available  
15 immigrant visa numbers it has requested, leaving thousands of immigrants each  
16 year waiting longer than necessary for their permanent residence. Whether  
17 intentional, or by sheer bureaucratic incompetence, it is clear, as a historical  
18 matter, that USCIS is not capable of either correctly calculating its capacity to  
19 complete its workload, or in estimating its demand for immigrant visas.

20  
21 5. Mr. Oppenheim’s numbers have historically been very accurate, but for a  
22 general failure of USCIS to provide a completely accurate listing of all pending  
23 cases by category and country each month. It is widely known that USCIS has  
24 provided historically and projectionally inaccurate information to Mr.

25  
26  
27  
28 Oppenheim for his statutory obligations, and, in fact, simply failed to provide that

1 information on occasion, specifically in July 2007.

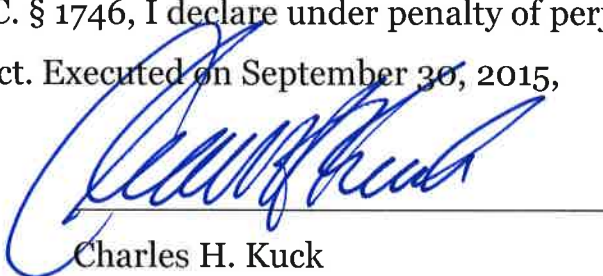
2 6. My expertise and experience compel the conclusion that the numbers  
3 provided in the original October Visa Bulletin issued on September 9, 2015, were  
4 as accurate as possible based upon the information provided to Mr. Oppenheim  
5 prior to that date. It is also very clear that the numbers reflected by filing dates  
6 listed in the "new" October Visa Bulletin, issued on September 25, 2015 are not  
7 reflective of actual visa demand going forward and are depriving thousands of  
8 individuals who had paid for and prepared to file adjustment of status  
9 applications on October 1, 2015, to do so.  
10

11 7. It is difficult to believe that the new October Visa Bulletin is in any way  
12 reflective of the actual visa demand, given past use of this specific priority dates  
13 and the lack of demand at those times in prior visa bulletins.  
14

15 8. My expert opinion is that the new October Visa Bulletin is not reflective of  
16 actual visa usage and demand, and that the original October Visa Bulletin, upon  
17 which tens of thousands of individuals relied, is both accurate and fairly  
18 calculated to use all available visa numbers in fiscal year 2016.  
19  
20

21  
22 **Verification**

23 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the  
24 foregoing is true and correct. Executed on September 30, 2015,

25  
26   
27 Charles H. Kuck  
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